

REMARKS

Claims 3-6 are rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. This rejection is respectfully traversed.

The Examiner has the burden of showing that the application is not enabling. In fact, the court in *In re Angstadt*, 537 F.2d 489, 190 USPQ 214, 219 (C.C.P.A. 1976), stated that the PTO has the burden of giving reasons, supported by the record as a whole, why the specification is not enabling and that showing that the disclosure entails undue experimentation is part of the PTO's initial burden. Applicant respectfully asserts that the Examiner has failed to provide sufficient reason why the specification is not enabling.


In his rejection, the Examiner simply asserts that it is not understood how the absolute value of the second voltage can be smaller than the absolute voltage of the first voltage because the application only discloses that the voltages are both equal to -8 volts. However, Applicant suggests that undue experimentation would not be necessary to apply voltages where the absolute value of the non-select voltage is not larger than the absolute value of the negative voltage. The Examiner has failed to assert that **undue** experimentation would be necessary. The specification is not required to teach every detail of the invention, the specification need only explain how to make and use the invention without requiring an inordinate amount of experimentation. Further, even if some experimentation were necessary to make and use the invention, this is permissible as long as this experimentation is not undue. In the case of this application, one would only need to substitute voltage values different than the -8 volts disclosed

in the examples in the specification to make and use the claimed device. This would not be undue experimentation. The Examiner has not asserted that this would involve undue experimentation either. Therefore, Applicant respectfully asserts that the Examiner has failed to fulfill his burden of proving that the specification is not enabling and this rejection should be withdrawn.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 204552018400.

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Respectfully submitted,

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